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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTO | R | ATTO | DRNEY DOCKET NO. |
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| WHITE & CASE LLP PATENT DEPARTMENT | | | DESA: | UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

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| ## Deficie Action Summary Examiner RITA J. DESA | , | • | Application N | o. — ~ | Applicant(s) | | | |
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| Period for R ply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAIL IND DATE OF THIS COMMUNICATION. after SIX (9) MONTHS from the mailing date of this communication. 113(a). In no event, however, may a reply be timally filled expenses the state of the communication. 113(a) in no event, however, may a reply be timally filled expenses. 113(a) MONTHS from the mailing date of this communication. 113(a) in the period of the communication of the period of the communication of the period of the communication of the period of the communication. 113(a) in the period of the communication of the period of the period of the communication of the period of the p | | | <u> </u> | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of lines may be wealtable under the procession of 37 CPR 1.136(a). In no event, however, may a reply be timely filed If the period for reply sepacified above is lises than think (30) days, a reply within the statutory minimum of think (30) days will be considered timely. If the period for reply sepacified above, the meaning that gazy and vell sepace 3x (50) MONTHS from the mailing date of this communication. Any reply recived by the Office liter than there months after the mailing date of this communication, even if timely filed, may reduce any earned pathent than adjustment. Sea 37 CPR 1.704(b). Status 1) Responsive to communication(s) filled on 25 April 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Is since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-11,18,19,26 and 27 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) The proposed drawing of the promise after the maintenance of the promise and | | | pears on the cov | er sheet with the c | orrespondence addi | ess | | |
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Application/Control Number: 08/945,425

Art Unit: 1625

DETAILED ACTION

Claims pending 1-11,18, 19, 26 and 27.

Applicants have elected group I of the restriction in paper # 18.

The Restriction is made FINAL.

As per the interview 4/10/2001 applicants have amended the claims to a method of treating a disease.

The claims 1-11, 15,16,18-21, 23 and 25 rejection under 35 USC 102 over Bergstrand et al US 5753265 and 5817338 has been withdrawn since applicants have argued persuasively that the prior art is drawn to the multiple unit composition which is different than that of the application.

The claims 1-11,18, 19-21,23-25 (old claims) 1-11,18, 19, 26 and 27 (new claims) rejection under 35 USC 103 over Bergstrand et al US 5753,265 and 5817,338 still stands.

The prior art reference clearly discloses that the compounds of the application act as acid labile H+K+-ATPase inhibitors to treat gastric disorders. The composition disclosed in the prior art is a multiunit formulation, but it also discloses in the background of the invention a sustained release formulation (see lines 20-32 in column 4 of the reference) and thus it would be obvious that he concentration of the H+K+-ATPase inhibitors would be extended, i.e. it would have an extended concentration of the H+K+-ATPase inhibitors in the blood plasma profile if the tablets were administered after every few hours!

Thus the rejection still stands.

The claims 1-11,18, 19-21,23-25 (old claims) 1-11,18, 19, 26 and 27 (new claims) rejection under 35 USC 103 over Tyers also still stands.

Application/Control Number: 08/945,425

Art Unit: 1625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on 703-308-4698. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-7922 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

R.D. August 31, 2001

ALAN L. ROTMAN PRIMARY EXAMINER

alan L. Rotman



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